HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT APPEAL No. 1234 OF 2006

Between:

The District Collector (Civil Supplies),
Guntur & others

..... Appellants

AND

Sri Manikanta Traders,
Rep. by its Managing Partner P. Subba Rao,
Bapatla & others

.....Respondents

:: J U D G M E N T ::

Counsel for the appellants : Shri A. Satya Prasad,
Special Government
Pleader

Dated: 27.11.2006

Per G.S.SINGHVI, CJ

This is an appeal for setting aside order dated 28.09.2006 passed by the learned Single Judge whereby he dismissed W.V.M.P.No.1832 of 2006 filed by the appellants for vacating ad interim order dated 07.09.2006 passed in W.P.M.P.No.23403 of 2006 in Writ Petition No.18608 of 2006.

In the writ petition filed by them, respondent Nos.1 to 14 have questioned the action of the appellants to seize the rice belonging to them by invoking the provisions contained in the Andhra Pradesh Rice Procurement (Levy) Order, 1984 read with the Essential Commodities Act, 1955. Along with the writ petition, they filed W.P.M.P.No.23403 of 2006 and prayed for issue of a direction to the non-petitioners (appellants herein) to issue necessary orders facilitating the movement of rice from Chirala Railway Station to its destination at Dimapur in the State of Assam. By an order dated 07.09.2006, the learned Single Judge granted interim relief to respondent Nos.1 to 14 in the following terms:

> "Though the rice was stopped from transporting on 30.8.2006, till date no action is initiated under any of the provisions of law in force.
>
> Hence, there shall be interim direction as prayed for subject to the condition of petitioners furnishing third party security for the entire value of the rice to the satisfaction of the Joint Collector, Guntur."

Feeling aggrieved by the ad-interim order, the appellants filed W.V.M.P.No.1832 of 2006 for vacating the same. In the affidavit filed by Shri Rahul Bojja, Joint Collector, Guntur, an attempt was made to highlight the misuse of levy rice and it was pleaded that the interim order passed by the learned Single Judge would encourage the writ petitioners to indulge in similar activities.

On a consideration of the averments contained in the

affidavit of Shri Rahul Bojja, the learned Single Judge felt satisfied that the variation in the total levy rice supplied by the respondents and the shortage was not significant and, therefore, there was no justification to vacate the interim order. Accordingly, he dismissed the vacate petition. At the same time, by taking into consideration the fact that Joint Collector, Guntur is not the competent authority, the learned Single Judge directed District Collector, Prakasam, Ongole to release the seized rice within two days from the date of furnishing the third party security to his satisfaction.

We have heard Shri A. Satya Prasad, learned Special Government Pleader, who mainly emphasized that the condition imposed by the learned Single Judge for release of the seized rice does not sufficiently protect the public interest. He also made a grievance that the private respondents are using coercive tactics by filing contempt cases for securing implementation of the ad-interim order passed by the learned Single Judge.

In our opinion, the direction given by the learned Single Judge for release of the seized rice does not suffer from any jurisdictional infirmity or error apparent warranting interference in this appeal. A conjoint reading of ad-interim order dated 07.09.2006 and the one impugned in this appeal makes it clear that the learned Single Judge has ordered release of rice subject to furnishing of third party security for the entire quantity. This sufficiently safeguards the public interest. The direction given by the learned Single Judge clearly envisages the release of the seized rice after the officer concerned i.e., District Collector, Prakasam feels satisfied with the third party security furnished by respondent Nos.1 to 14, and we do not find any justification for imposing additional condition.

With the above observations, the appeal is dismissed.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.2568 of 2006 filed by the appellants for interim relief is also dismissed. However, it is made clear that this order shall not, in any manner, prejudice the cause of the appellants and the competent authority shall be free to pass appropriate order in accordance with law.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

27.11.2006

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